

REMARKS

Claims 1-30 are pending. Reconsideration and allowance of all pending claims of this application are respectfully requested in light of the foregoing amendments and following remarks.

Rejections under 35 U.S.C § 102(e)

Claims 1-30 stand rejected under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent No. 7,032,444 to Shen et al. (hereinafter “Shen”). Applicant respectfully traverses the Examiner’s position for the following reasons.

The PTO provides in MPEP § 2131 that “[t]o anticipate a claim, the reference must teach every element of the claim” With regard to independent claims 1, 11, 20, 23, and 27, Applicant submits that Shen fails to teach every element of those claims.

Claims 11 and 20

With regard to claim 11, Applicant submits that Shen fails to teach at least “a VoiceXML compiler . . . generating executable code configured for execution tracking, the executable code including marker information, wherein responsive to the executable code, said VoiceXML executor executes the Voice XML document in an execution tracking mode as a function of the marker information” as recited in claim 11.

The Examiner indicates that Shen discloses this element in Fig. 7, element 166, and related text. The text relating to element 166 is found at column 6, lines 48-50, which states in its entirety:

Logger 166 is a centralized logging mechanism that records debug, warning, and error messages as well as detailed call information from VoiceXML applications.

Clearly, the “logger 166” is not equivalent to the claimed VoiceXML compiler for generating executable code including marker information to enable the VoiceXML executor to execute the document in an execution tracking mode as a function of the marker information, as recited in claim 11. Therefore, Shen fails to anticipate claim 11 as it fails to teach every element thereof. Claim 20 includes limitations similar to those of claim 11 and is therefore also not anticipated by Shen. Claims 12-19, 21, and 22 depend from and further limit claims 11 and 20 and are therefore also not anticipated by Shen.

Claims 23 and 27

With regard to claim 23, Applicant submits that Shen fails to teach at least:

displaying a listing of at least a portion of the VoiceXML document upon at least one display as a function of the notification message;

and

highlighting at least one portion of the VoiceXML document text on the at least one display as a function of the marker information

as recited in claim 23.

The Examiner indicates that points to Fig. 1, element 48, and related text of Shen as disclosing the first element. The text relating to element 48 is as follows:

A user may also communicate with the telephony server 32 in order to request one or more services. For example, the user may call the telephony server 32 in order to locate a restaurant at which to dine. The incoming call 34 is received by the telephony server 32, and the telephony server 32 asks questions to the user in order to determine the type of service. The telephony server 32 recognizes the words of the user to obtain the parameters of the restaurant search to be conducted. If abnormal conditions are detected by the telephony server 32 during processing, then the telephony server 32 sends notification electronic mail messages 48 to the appropriate personnel so that the abnormal conditions can analyzed and remedied if needed.

Column 2, lines 50-61.

FIG. 3 depicts the computer-implemented components that operate with the VoiceXML interpreter 68. As described above, the VoiceXML interpreter 68 on the telephony server 32 executes voice applications in order to interact with the user. The VoiceXML interpreter 68 determines whether a voice application is needed to service a request of a user. An embodiment of the present invention uses a voice markup language known in the speech industry as VoiceXML (Voice Extensible Markup Language). The VoiceXML interpreter 68 determines which VoiceXML application(s) can service the request of the remote user. The VoiceXML interpreter 68 communicates over an Internet connection 40 to locate suitable VoiceXML applications 90. If abnormal conditions are detected by the VoiceXML interpreter 68, then an E-mail module 92 sends electronic mail messages 48 to the appropriate personnel so that the abnormal conditions can analyzed and remedied if needed.

Column 3, lines 44-59.

Neither of the above-quoted portions of Shen disclose “displaying a listing of at least a portion of the VoiceXML document” as required by claim 23. Shen therefore fails to disclose this element of claim 23.

The Examiner points to column 7, lines 14-17, of Shen as disclosing the second element. The cited portion of Shen reads:

Decision block 190 examines whether the VoiceXML application is resident on the telephony server. If it is resident, then processing continues on FIG. 11 at process block 220. It should be understood that the present invention does not typically retain VoiceXML applications on the telephony server and retrieves VoiceXML applications in real-time in order to satisfy a present need. When the VoiceXML application is not

resident on the telephony server, then processing continues on FIG. 9 at process block 200.

The cited portion clearly fails to teach or suggest "highlighting at least one portion of the VoiceXML document" as required by claim 23.

In view of the foregoing, it is apparent that Shen fails to anticipate claim 23 as it fails to teach every element thereof. Claim 27 includes limitations similar to those of claim 23 and is therefore also not anticipated by Shen. Claims 24-26 and 28-30 depend from and further limit claims 23 and 27 and are therefore also not anticipated by Shen.


Claim 1

With regard to claim 1, Applicant submits that Shen fails to teach at least "displaying source code of the requested VoiceXML document on a display of a visual editor device" as recited in amended claim 1, for the reasons described in detail above with reference to claim 23. Accordingly, Shen fails to anticipate claim 1, as well as claims 2-10 dependent therefrom.

Conclusion

It is clear from the foregoing that all of the pending claims are in condition for allowance. An early formal notice to that effect is therefore respectfully requested.

Respectfully submitted,


Brandi W. Sarfatis
Registration No. 37,713

Dated: 10/17/06
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 214/651-5896
IP Facsimile No. 214/200-0853

Certificate of Transmission	
I hereby certify that this correspondence is being transmitted via EFS-Web to the United States Patent and Trademark Office, on the date indicated below	
Date:	<u>10/17/06</u>
Signature:	<u>Debbie Ludwig</u>
Printed Name:	<u>Debbie Ludwig</u>